

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

Marjorie Surface,

Civil No. 04-3896 (MJD/SRN)

Plaintiff,

v.

ORDER

Jo Anne Barnhart,  
Commissioner of Social Security,

Defendant.

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Lionel H. Peabody, Esq., on behalf of Plaintiff

Lonnie F. Bryan, Esq., Assistant United States Attorney on behalf of Defendant

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The above-entitled matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Susan Richard Nelson dated July 28, 2006. No objections have been filed to that Report and Recommendation in the time period permitted.

Based on the Report and Recommendation of the Magistrate Judge, and all of the files, records and proceedings herein,

**IT IS HEREBY ORDERED that:**

1. Plaintiff's Petition for Attorney's Fees (Doc. No. 44) in the amount of \$4,650.00 is **GRANTED**, in part; and
2. Plaintiff's Petition is **DENIED**, in part, to the extent that it seeks legal assistant fees in the amount of \$1,650.00.

Dated: September 5, 2006

s / Michael J. Davis  
Judge Michael J. Davis  
United States District Court Judge